

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DIOR MITCHELL,
Plaintiff,

v.

Civil Action No. 3:21cv627

CHESAPEAKE CITY JAIL, et al.,
Defendants.

MEMORANDUM OPINION

The plaintiff, a federal inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current complaint, the plaintiff did not identify a proper defendant for purposes of 42 U.S.C. § 1983. Accordingly, by Memorandum Order entered on May 19, 2022, the Court directed the plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. (ECF No. 13.) The Court warned the plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action. (*Id.*)

More than fourteen (14) days have elapsed since the entry of the May 19, 2022 Memorandum Order. The plaintiff failed to submit a particularized complaint or otherwise respond to the May 19, 2022 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

An appropriate order will accompany this Memorandum Opinion.

Date: 27 June 2022
Richmond, Virginia

/s/
John A. Gibney, Jr.
Senior United States District Judge 